Prince Edward Island
CANADA

Office of the Attorney General

Annual Report 2007-2008

Prince Edward Island
Office of the Attorney General

Annual Report

For the Fiscal Year
April 1, 2007 to March 31, 2008

Message of the Attorney General
Message de la procureure générale

The Honourable Barbara A. Hagerman
Lieutenant Governor
Province of Prince Edward Island

May it Please Your Honour:

I have the honour to submit herewith the Annual Report of the Office of the Attorney General for the fiscal year ending March 31, 2008.

Respectfully submitted,

Gerard Greenan

Gerard Greenan
Attorney General

L'honourable Barbara A. Hagerman
Lieutanante-gouverneure de la province de l'Île-du-Prince-Édouard

Qu'il plaise à Votre Honneur,

J'ai l'honneur de soumettre sous ce pli le rapport annuel du Bureau du procureur général pour l'année financière se terminant le 31 mars 2008.

Respectueusement soumis,

Gerard Greenan
Procureur général

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Deputy Attorney General's Overview
Tour d'horizon de la sous-ministre

The Honourable Gerard Greenan
Attorney General
Province of Prince Edward Island
P.O. Box 2000
Charlottetown, PE C1A 7N8

Honourable Minister:

It is a pleasure to present this annual report of the Office of the Attorney General for the fiscal year April 1, 2007 to March 31, 2008. The report contains some highlights and a general description of the work carried out during the fiscal year.

Each of the seven divisions of the department works toward the betterment of society by fostering safe communities, access to justice and respect for the law. Employees across the department contribute to efforts which enable the public to better understand and have confidence in the justice system.

During the year there were some areas where divisions faced significantly increased workloads. For example the bed days in adult corrections facilities increased 14 per cent to 39,610, up from 34,750 in the previous year. Capacity issues in our adult correctional facilities are of increasing concern but efforts are currently being made to address these issues and in the coming year we expect to be able to report significant progress on achieving solutions.

Honorable Gerard Greenan
Procureur général
Gouvernement de l'Île-du-Prince-Édouard
C.P. 2000
Charlottetown, PE C1A 7N8

Monsieur le Ministre,

J'ai le plaisir de présenter ce rapport annuel du Bureau du procureur général pour l'année financière allant du 1er avril 2007 au 31 mars 2008. Le rapport renferme les grandes lignes et une description générale du travail réalisé au cours de l'année financière.

Les sept divisions du ministère oeuvrent pour le bien de la société en favorisant des communautés sécuritaires, l'accès à la justice et le respect de la loi. Les employés du ministère déploient des efforts qui permettent au public de mieux comprendre le système judiciaire et de lui faire confiance.

Pendant l'année, certaines sections des divisions ont connu une importante augmentation de leur charge de travail. Par exemple, les jours-lits dans les installations correctionnelles pour adultes ont augmenté de 14 pour cent, passant de 34 750 l'an dernier à 39 610. Les questions de capacité dans nos installations correctionnelles pour adultes sont de plus en plus inquiétantes, mais on déploie actuellement des efforts pour aborder ces questions et au cours de l'année qui s'en vient, on s'attend de pouvoir vous faire part d'importants progrès dans la mise en oeuvre de solutions.

In the Consumer, Corporate and Insurance Services Division there were a number of substantial increases in filings and registrations over the previous year. Revenues collected from these activities increased overall by five per cent.

The Crown Attorneys' Division reports that there were 4,560 *Criminal Code* charges laid in 2007-08, down from 5,201 in the previous year. This represents a decline of 12 per cent over a one-year period, but is in line with statistics reported earlier in the decade.

Criminal Legal Aid completed 1,293 cases during the year. This is in line with the preceding year when 1,258 cases were completed.

A new *Securities Act* was passed on November 2, 2007 and brought into force on March 17, 2008. This was an important initiative and enabled the province to adopt the passport system for the regulation of public companies and to improve investor protection.

Work continued on other major legislative projects during the year, including work on the new *Police Act* and the *Judicature Act*. Some of these projects will be completed next fiscal year.

The staff of the Office of the Attorney General are dedicated professionals who work hard to ensure there is an effective and efficient justice system. I thank all of them for their contributions.

Respectfully submitted,

Edison Shea
Deputy Attorney General

La Division de la consommation, des corporations et des assurances a connu plusieurs augmentations de dépôts et d'enregistrements par rapport à l'an dernier. Les recettes provenant de ces activités ont augmenté, sur l'ensemble, de 5 pour cent.

La Division des procureurs de la Couronne a précisé qu'il y a eu 4 560 accusations déposées en vertu du Code criminel en 2007-2008, soit une diminution par rapport au total de 5 201 l'an dernier, ce qui représente une réduction de 12 pour cent au cours d'une période d'un an, mais qui est conforme aux statistiques déclarées au début de la décennie.

La section de l'aide juridique en matière pénale a traité 1 293 cas pendant l'année, ce qui se compare de près au nombre de cas de l'an dernier, soit 1 258.

La nouvelle *Securities Act* (loi sur les valeurs mobilières) a été adoptée le 2 novembre 2007 et a pris effet le 17 mars 2008. Il s'agit d'une importante initiative qui a permis à la province d'adopter le système de passeport pour la réglementation de sociétés publiques et pour améliorer la protection des investisseurs.

Le travail s'est poursuit dans d'autres projets législatifs importants au cours de l'année, y compris les nouvelles versions des lois intitulées *Police Act* (loi de police) et *Judicature Act* (loi sur l'organisation judiciaire). Un certain nombre de ces projets prendront fin au cours de la prochaine année financière.

Les membres du personnel du Bureau du procureur général sont des professionnels dévoués qui travaillent fort afin d'assurer que le système judiciaire soit efficace et efficient. Je les remercie de leur contribution.

Je vous prie d'agréer, Monsieur le Ministre, l'expression de mes sentiments distingués.

Le sous-procureur général,

Edison Shea

The Office of the Attorney General

Vision

The Office of the Attorney General envisions a society, governed by law and order, where people work in partnership to prevent crime and provide a safe environment in which to live and where access to justice is available to all citizens.

Mission

The Mission of the Office of the Attorney General is to provide reliable, useful and timely advice, assistance and information on programs and services including the following:

- Aboriginal Justice
- Alternative Dispute Resolution
- Business Registry Services
- Clinical Services
- Community Services
- Consumer Protection
- Correctional Services
- Court Services
- Crime Prevention
- Family Violence Prevention
- Financial Services, Regulation and Enforcement
- Gun Control
- Impaired Driving
- Justice Policy
- Justice Resource Service
- Legal Aid Services
- Legal Services
- Policing
- Public Prosecution Services
- Victim Services

The Office of the Attorney General plays a pivotal role in enhancing the rule of law and strengthening the efficiency and integrity of Prince Edward Island's legal system. The department provides a vast array of legal expertise for the good governance of PEI.

Staff assist the Judiciary in the fair and impartial administration of justice in the province and act as Government's legal adviser in all aspects of public administration law, criminal law, international law, legislation and law reform.

Aboriginal Affairs

On January 1, 2008, the responsibility for Aboriginal Affairs was transferred from the Office of the Attorney General to the Department of Communities, Cultural Affairs and Labour. The Department of Communities, Cultural Affairs and Labour became responsible for sustaining regular liaison with the Privy Council Office, Indian and Northern Affairs Canada, various provincial and territorial departments responsible for Aboriginal matters across Canada, and with local and national Aboriginal organizations.

Human Rights Act

The Attorney General is responsible for the *Human Rights Act* and provides for its proper administration through the allocation of resources to the Human Rights Commission.

Acts Administered by the Office of the Attorney General

Affidavits Act
Age of Majority Act
Ancient Burial Grounds Act
Appeals Act
Apportionment Act
Arbitration Act
Auctioneers Act
Bailable Proceedings Act
Business Practices Act
Canada-United Kingdom Judgments Recognition Act
Canadian Judgments (Enforcement) Act
Cemeteries Act
Charities Act
Child Status Act
Collection Agencies Act
Commorientes Act
Companies Act
Condominium Act
Consumer Protection Act
Consumer Reporting Act
Contributory Negligence Act
Controverted Elections (Provincial) Act
Co-operative Associations Act
Coroners Act
Correctional Services Act
Court Security Act
Credit Unions Act
Crown Proceedings Act
Custody Jurisdiction and Enforcement Act
Defamation Act
Dependants of a Deceased Person Relief Act
Designation of Beneficiaries Under Benefit Plans Act
Direct Sellers Act
Electronic Commerce Act
Electronic Evidence Act
Escheats Act
Evidence Act
Extra-provincial Corporations Registration Act
Factors Act
Family Law Act
Fatal Accidents Act
Films Act
Floral Hills Memorial Gardens Administration Act
Foreign Resident Corporations Act
Franchises Act
Frauds on Creditors Act
Freedom of Information and Protection of Privacy Act
Frustrated Contracts Act
Garage Keepers' Lien Act
Garnishee Act
Gulf Trust Corporation Act
Habeas Corpus Act
Human Rights Act
Insurance Act
Intercountry Adoption (Hague Convention) Act
Interjurisdictional Support Orders Act
International Commercial Arbitration Act
International Sale of Goods Act
International Trusts Act
Interpretation Act
Interprovincial Subpoena Act
Investigation of Titles Act
Judgment and Execution Act
Judicial Review Act
Jury Act
Landlord and Tenant Act
Legal Profession Act
Limited Partnerships Act
Maintenance Enforcement Act
Mechanics' Lien Act
Occupiers' Liability Act
Partnership Act
Perpetuities Act
Personal Property Security Act
Police Act
Powers of Attorney Act
Prearranged Funeral Services Act
Premium Tax Act
Private Investigators and Security Guards Act
Probate Act
Probation Act
Provincial Administrator of Estates Act
Provincial Court Act
Public Accounting and Auditing Act

Public Trustee Act
Quieting Titles Act
Real Estate Trading Act
Real Property Act
Reciprocal Enforcement of Judgments Act
Reciprocal Enforcement of Maintenance Orders Act
Retail Business Holidays Act
Sale of Goods Act
Securities Act
Sheriffs Act
Statute of Fraud
Statute of Limitations
Store Hours Act
Summary Proceedings Act
Supreme Court Act
Supreme Court Reporters Act
Survival of Actions Act
Time Uniformity Act
Transboundary Pollution (Reciprocal Access) Act
Trespass to Property Act
Truck Operators' Remuneration Act
Trust and Fiduciary Companies Act
Trustee Act
Unclaimed Articles Act
Unconscionable Transactions Relief Act
Uniformity Commissioners Act
Variation of Trusts Act
Vendors and Purchasers Act
Victims of Crime Act
Victims of Family Violence Act
Volunteers Liability Act
Warehousemen's Lien Act
Winding-up Act
Young Offenders (PEI) Act
Youth Justice Act

Boards, Agencies and Commissions

Court Transcribers Examining Board
Credit Union Deposit Insurance Corporation
Criminal Code Review Board
Human Rights Commission
Judicial Remuneration Review Commission
Law Society Council
Public Trustee Advisory Committee
Supreme Court Finance Committee
Uniformity Board of Commissioners
Victim Services Advisory Committee

Executive Summary

The Office of the Attorney General (OAG) consists of the following divisions: Community and Correctional Services; Consumer, Corporate and Insurance Services; the Crown Attorneys' Office; Justice Policy; Legal and Judicial Services; Legislative Counsel Office; and Policy and Administration Division. Following is a brief description of each division.

Community and Correctional Services Division

Enhances public safety by providing custody facilities, rehabilitative and reintegrative programming to adult and young offenders as well as services to victims of crime.

Consumer, Corporate and Insurance Services Division

Registers and incorporates business enterprises, co-operatives and nonprofit organizations that are formed in the province, and registers all out-of-province companies carrying on business in Prince Edward Island. Selected business enterprises such as insurance companies, securities issuers, real estate firms, credit unions and other financial institutions in the province are regulated through this division.

Crown Attorneys' Division

Represents the Attorney General and deals with all offences under the Criminal Code and provincial statutes.

Justice Policy Division

Provides policy analysis, advice and development; serves as OAG liaison for federal/provincial/territorial (FPT) criminal justice officials, working groups, research and statistics; represents the provincial government at the FPT Continuing Committee of Officials on Human Rights; supports work on community safety, crime prevention and Aboriginal justice; participates in the healthy child development strategy; and encourages community involvement in justice issues.

Legal and Judicial Services Division

Maintains the administrative structure for court services and public legal aid and provides legal services to government.

Legislative Counsel Division

Drafts and co-ordinates the publication of all government bills and regulations for the Government of Prince Edward Island.

Policy and Administration Division

Administers the department's personnel and financial affairs, develops policy initiatives and manages specialized programs. The division is responsible for such services as Human Resources, Policy and Planning, Communications and Financial Administration. This division is a shared resource group which serves both the Department of Communities, Cultural Affairs and Labour and the Office of the Attorney General.

Sommaire

Le Bureau du procureur général (BPG) est constitué des divisions suivantes : Division des services communautaires et correctionnels, Division des services de la consommation, des corporations et des assurances, Division du bureau des procureurs de la Couronne, Division des politiques judiciaires, Division des services juridiques et judiciaires, Division des politiques et de l'administration. Suit une brève description de chaque division du Bureau du procureur général :

Division des services communautaires et correctionnels

La division renforce la sécurité publique en fournissant des centres de détention, des programmes de réadaptation et de réinsertion aux contrevenants adultes et aux jeunes contrevenants, ainsi que des services aux victimes d'actes criminels.

Division de la consommation, des corporations et des assurances

La division est responsable de l'inscription et de la constitution en corporation des entreprises commerciales, des coopératives et des organismes sans but lucratif qui se créent dans la province, de l'inscription de toutes les entreprises basées à l'extérieur de la province qui exercent des activités commerciales dans la province. Cette division veille également à la réglementation de certaines entreprises commerciales telles que les compagnies d'assurances, les émetteurs de valeurs, les sociétés immobilières, les caisses populaires et d'autres institutions financières.

Division des procureurs de la Couronne

La division représente le procureur général et s'occupe de toutes les infractions relevant du Code criminel et des lois provinciales.

Division des politiques judiciaires

La division élabore et analyse des politiques et elle fournit des avis à ce sujet; elle fait la liaison entre le BPG et les représentants fédéraux, provinciaux et territoriaux de la justice, les groupes de travail, la recherche et les statistiques; elle élabore des politiques de police provinciales; elle appuie les stratégies provinciales interministérielles, la prévention du crime et le traitement des Autochtones par le système judiciaire; et elle encourage les communautés à s'impliquer dans les questions judiciaires.

Division des services juridiques et judiciaires

La division s'occupe de la structure administrative des services judiciaires et de l'aide juridique et fournit des services juridiques au gouvernement.

Division du conseiller législatif

Rédige et coordonne la publication de tous les projets de loi et règlements gouvernementaux pour le gouvernement de l'Île-du-Prince-Édouard

Division des politiques et de l'administration

La division est responsable de l'administration du personnel et des affaires financières du ministère, élabore des projets de politiques et gère les programmes spécialisés. Cette division est responsable de services tels que les ressources humaines, les politiques et la planification, les communications et l'administration financière. Elle est un groupe de ressources partagées qui sert à la fois le ministre des Communautés et des Affaires culturelles et le Bureau du procureur général.

Community and Correctional Services

Director: John R. Picketts

Mandate

The Community and Correctional Services Division is an essential part of the criminal justice system, mandated to enhance public safety by contributing to the rehabilitation of youth and adult offenders, and providing services to victims of crime. The division delivers a variety of programs through six sections: Victim Services, Community Services, Correctional Services, Clinical Services, Finance and Administration, and Planning and Development. The division also contributes to public education, community development, crime prevention, research and policy and program development.

Highlights and Initiatives

The following are some of the highlights of the past fiscal year:

- Child-friendly waiting rooms were established in each courthouse in the province.
- Initiatives were undertaken to expand services to aboriginal victims of crime.
- Sections of the division participated in a number of initiatives to enhance the justice system response to high-risk offenders.
- Community Services staff participated in a number of projects including: Strategic Training Initiative in Community Supervision, Healthy Youth Potential Explored, Project No Gang, Relapse Prevention Project and Women's Offender Substance Abuse Program.
- Youth Case Management Policy was implemented.
- A Custody Human Resources Plan was developed.
- Student placements from nursing, youth worker, correctional officer, criminology, social work and psychology programs were supervised.
- Clinical Services provided training on a variety of topics.
- Negotiations were finalized with the Federal Department of Justice for the five-year inter-provincial youth funding supplemental agreement for Intensive Rehabilitation Custody and Supervision sentencing option.
- The five-year inter-provincial youth funding main agreement was signed by our minister upon approval by Executive Council and Treasury Board.
- Many changes were made to the payroll processes to encourage an integrated payroll and human resources system.
- A new Performance Development system was implemented.
- Healthy Workplace Week was celebrated and wellness checks were provided to employees.
- Over $1,000 was raised by staff to support the Esther Finkle Fund for Kids.

Priorities for 2008-2009

The following are some of the priorities for the next year:

- Work on capital planning to meet increasing demands on adult custody facilities;
- Expand services to minority and multicultural groups;
- Participate in efforts to create a comprehensive response to address the needs of victims of domestic violence and sexual abuse;
- Co-ordinate training on standardized risk assessment in family violence cases;
- Participate in the Youth and Offending Behaviour Project and Project Reclaim;
- Develop and implement Adult Case Management Policy;
- Increase succession planning and recruitment for priority positions;
- Complete pandemic planning for custody centres;
- Review of pensionable hours for staff who transferred to the health regions and back to government;
- Improve the manual statistical reporting processes;
- Facilitate the smooth transition of payroll processes upon implementation of the PeopleSoft Payroll system;
- Recruit and train Turning Point facilitators; and
- Consult and train on risk assessment tool.

Victim Services

Victim Services provides a client-centred service for victims of crime, assisting clients throughout their involvement with the criminal justice process.

The mandate of Victim Services is:

- Assist victims as needed throughout their contacts with the criminal justice system;
- Help victims to access other needed services;
- Receive applications for criminal injuries compensation and investigate claims on behalf of the minister;
- Assist with the preparation and filing of victim impact statements;
- Assist justice personnel and community agencies in providing services to victims; and
- Promote the Statement of Principles set out in the *Victim of Crime Act*.

Statistical Overview

The following provides a brief statistical overview of client demand and service trends. Further information and statistics regarding the Victim Services Program and Criminal Injuries Compensation Program are contained in the *19th Annual Report of the Victims of Crime Act*.

Victim Services cases are categorized in the following classifications: general, sexual abuse, wife abuse, other family abuse and commercial/institutional. The percentage breakdown of new cases by case classification in 2007/2008 and a comparison with previous years, are noted as follows:

Victim Services New Cases			
Type of Client	Per Cent Breakdown		
	2005/06	2006/07	2007/08
General*	55	53	50
Wife Abuse	28	25	29
Other Family Abuse	8	10	9
Sexual Abuse	5	6	5
Commercial/ Industrial	4	6	7

** General includes break and enter, damage to property, theft, general assaults, etc.*

Caseload Trends

There were 1,031 new cases referred in 2007/2008, in addition to approximately 737 cases carried forward from the previous year. As of March 31, 2008, there were 668 active cases across the province. The average monthly caseload has increased from 433 cases per month in 1999/2000 to 707 cases per month in 2007/08.

Victim Impact Statements

Victim Services is designated by Lieutenant Governor in Council as the program responsible for preparing and filing victim impact statements. In 2007/2008, Victim Services assisted in the preparation and filing of 244 victim impact statements.

Criminal Injuries Compensation

Under the *Victims of Crime Act*, Victim Services is responsible for receiving applications and investigating claims for criminal injuries compensation. During the fiscal year 2007/2008, 34 new applications for criminal injuries compensation were filed. One hundred and six applications were carried over from the previous year. Thirty-four final decisions and three interim decisions were made in 2007/2008. A total of $102,351 was awarded in criminal injury compensation.

Victims of Family Violence Act

The *Victims of Family Violence Act* came into effect in December 1996. Under this act, Emergency Protection Orders are available 24 hours/day from designated justices of the peace. In non-emergency situations, longer-term Victim Assistance Orders are available by application to the Supreme Court. Victim Services staff assist with training and ongoing monitoring and promotion of the use of the *Victims of Family Violence Act*.

In 2007/2008, there were 60 applications for Emergency Protection Orders under the *Victims of Family Violence Act*. Utilization of the *Victims of Family Violence Act* has increased over the past four years as a result of police refresher training. Since the proclamation of the act in December 1996, there have been a total of 465 Emergency Protection Orders granted.

Highlights and Initiatives

- With funding support from Department of Justice Canada, child-friendly waiting rooms were established in each courthouse in the province.
- Initiatives were undertaken to expand services to aboriginal victims of crime and to strengthen linkages between Victim Services, the justice system and the aboriginal community, including participation in early intervention and safety circles, presentations at a number of workshops and training initiatives and participation on a planning committee to host an Aboriginal Justice Forum in the fall of 2008.
- In partnership with Victim Services in New Brunswick, staff participated in Case Management training designed specifically for Victim Services Workers.
- Staff assisted in co-ordinating annual police training to implement a standardized response to reported incidents of domestic violence. Focus groups with front-line officers and police supervisors were also co-ordinated to seek input on the implementation of new forms and processes.
- Victim Services, in partnership with the Provincial Child Sexual Abuse Advisory Committee, conducted a survey for the purpose of compiling an inventory of resources available to respond to the counselling and support needs of survivors of sexual assault and childhood sexual abuse.
- Efforts continued to develop a provincial response to the unique needs of victims of human trafficking, including planning for an information session to be held in the coming year to raise awareness and develop partnerships.
- Victim Services participated in a number of initiatives to enhance the justice system's response to high-risk offenders, including participation in a review of the High-Risk Offender Guidelines; a review of the Community and Correctional Services Case Management Policy for Adult Offenders; and participation in Circles of Safety and Support involving high-risk family violence situations.

Priorities for 2008/2009

Priorities for the next fiscal year include the following:

- Expand services to minority and multi-cultural groups, through outreach and liaison with community support services and victim assistants;
- Participate in efforts to create a comprehensive response to address the needs of victims of domestic violence and sexual abuse;
- Complete a best practice review of services and programs for male survivors of sexual abuse;
- Co-ordinate training on standardized risk assessment in family violence cases;
- Assist in implementation of Criminal Code amendments designed to facilitate testimony of children and other vulnerable witnesses; and
- Reduce backlog of Criminal Injury Compensation cases awaiting adjudication.

Community Services

The Community Services Section is responsible for the planning, administration and delivery of the following community-based correctional programs and services:

- Adult Probation Services and
- Youth Justice Services:
  - Alternative Residential Placement;
  - Community Youth Worker Program;
  - Youth Probation Services; and
  - Youth Intervention Outreach Program.

As well, the section supports inter-agency initiatives and partnerships with a particular focus on crime prevention, early intervention and community development. Community Services personnel support/assist in public education efforts on criminal justice and community corrections.

There are currently 31 full-time staff attached to Community Services working from offices situated across the province. Staff are involved in direct service delivery to clients, providing administrative support and/or program management/co-ordination functions. Staff resources are augmented by administrative support staff of other departments and agencies (e.g., Access PEI sites) and in program/service delivery by other provincial staff resources (i.e., other parts of the division, Education, Mental Health, Family and Child Services), as well as by non-government organizations (e.g., John Howard Society), volunteers, student placements and project staff who are welcomed and engaged on an ongoing basis.

Probation Services

Probation Services delivers the following province-wide community-based correctional programs and services to clients and the adult criminal court:

- Supervision and enforcement of adult probation orders and conditional sentence orders;
- Case management based on a client's assessed needs and specific requirements of the case (e.g., court orders), which may include referral to a variety of community-based services, including individual or group treatment/education programs, for example, alcohol and/or drug treatment programs; education programs; mental health services; anger management programs; life skills and employment preparation programs; parenting programs; the Turning Point Program; the Sexual Deviancy Assessment and Treatment Program, and a variety of other programs or services that address presenting problems, and support the needs of a particular client and the conditions/requirements of his/her sentence or disposition;
- Investigation and preparation of pre-sentence reports;
- The development and management of alternative measures agreements for adult cases referred through Crown Counsel;
- Processing and management of adult cases under the provincial Fine Option Program; and
- Ensuring appropriate action and follow-up in cases of default or non-compliance with court orders and/or alternative measures agreements.

Probation Services Caseloads/workloads – Adult Offenders Fiscal Year April 1, 2007 – March 31, 2008					
	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total
Cases Under Supervision (Note: end of Quarter) (Include. AM, FO, Cond/Sent and Probation)	778	772	779	776	
New Cases Opened (Include. AM, FO, Cond/Sent and Probation)*	213	187	211	229	840
Court Reports	63	36	53	42	194
New Charges (Breaches)	38	31	32	43	144
Probation Admissions under a Probation Order	174	150	153	177	654
Alternative Measures Admissions	41	31	44	30	146
Conditional Sentence Order Admissions	14	7	9	15	45
Fine Options Admissions	17	13	15	17	62

* AM = Alternative Measures/ FO = Fine Option / Cond/Sent = Conditional Sentence

Youth Justice Services

The goal of Youth Justice Services is to provide a meaningful multi-disciplinary approach to intervention with youth and families with the intent of reducing the incidence of youth crime and the entry of young people into the formal justice system. Youth Justice Services delivers the following province-wide community-based correctional programs and services for young people and the youth criminal justice courts:

Youth Probation

- Supervision and enforcement of youth probation orders;
- Case management based on a client's assessed needs and specific requirements of the case (e.g., court orders), which may include referral to a variety of community-based services, including individual or group treatment/education programs, for example, alcohol and/or drug treatment programs, education programs, mental health services, anger management programs, life skills and employment preparation programs; parenting programs, the Turning Point Program, the Sexual Deviancy Assessment and Treatment Program; and a variety of other programs or services that address presenting problems; support the needs of a particular client and the conditions/requirements of his/her sentence or disposition;
- Investigation and preparation of pre-sentence and progress reports;
- The development and management of alternative measures agreements for youth cases referred through Crown Counsel;

- Supervision and management of deferred custody and supervision orders and the community portion of custody and community supervision orders;
- Processing and management of youth cases under the provincial Fine Option Program; and
- Ensuring appropriate action and follow-up in cases of default or non-compliance with court orders and/or alternative measures agreements.

Alternative Residential Placements

- This program consists of financial resources to contract with private homes across the province. After screening and departmental approval, the placements can be contracted to provide residential resources for high-risk/high-need youth in need of safe, structured residential care outside of, or as a complement to, their natural homes.

Community Youth Worker

- One-to-one casework, counselling and support services,
- Community supervision and support for high-risk youth and their families;
- Support to alternative residential placements and youth within these homes through regular contact, consultation, case management and liaison with other agencies and community organizations;
- Facilitation of preventative programs for youth and their families within the community; and
- Active involvement in sustainable community development initiatives designed to support youth at risk in their own communities.

Youth Intervention Outreach Program

- A community-based intervention service working directly with police agencies to assist youth and families with problems where the police have identified youth behaviour that places them at risk for actual, or potential, conflict with the law.

Youth Justice Services Caseloads/workloads – Youth Offenders Fiscal Year April 1, 2007 – March 31, 2008					
	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Total
Cases Under Supervision (Note: end of Quarter) (Include AM, FO, Cond/Sent and Probation)	162	157	173	178	
New Cases Opened (Include AM, FO, Cond/Sent and Probation)*	53	42	63	56	214
Court Reports	16	15	10	13	54
New Charges (Breaches)	12	7	12	17	48
Probation Admissions under a Probation Order	27	16	29	29	101
Alternative Measures Admissions	21	12	28	22	83
Conditional Sentence Order Admissions	0	0	0	0	0
Fine Options Admissions	3	3	0	1	7
Youth Intervention Outreach Program Referrals	33	42	43	28	146

* AM = Alternative Measures/ FO = Fine Option / Cond/Sent = Conditional Sentence

Highlights and Initiatives

- Staff within Probation Services continue to participate in Public Safety Canada's *Strategic Training Initiative in Community Supervision* (STICS). The project will evaluate the feasibility and effectiveness of training Probation and Parole Services staff in core correctional skills which are evidence-based. This means adhering to the risk, need and responsivity principles; knowing how to use some basic cognitive-behavioural techniques of influencing change; establishing good rapport with the client; and making the best use of community resources.
- *Healthy Youth Potential Explored (HYPE)* is a crime prevention program for youth (ages 12 to 16), with multiple risk factors, who are likely to become involved in crime in the absence of targeted interventions. Activities will focus upon social competence training, scholastic success and recreation/leisure opportunities. Program partners include the John Howard Society of PEI, National Crime Prevention Centre and Community and Correctional Services.
- The *Youth Case Management Policy* was successfully implemented, with all Youth Justice staff participating in training modules throughout the fall and winter months.
- The *Case Management Policy* for Adult Custody and Community Programs staff is in the process of being revised in order to promote greater consistency in case planning and service delivery, thereby increasing offender accountability and public safety.

- Youth Justice Services partnered with the Boys and Girls Club of Charlottetown on *Project No Gang*. Notable outcomes include a comprehensive profile of youth offenders in PEI and a best practice model which fosters the development of pro-social attitudes and behaviours among youth ages 13 to 18 years, who repeatedly offend; operate within negative peer groups; exhibit pro-criminal attitudes and behaviours; and are at risk of becoming long-term offenders. Recommendations contained in the Final Report guide ongoing custodial and community interventions and have served as a reference to other youth serving agencies and community stakeholders.
- The *Relapse Prevention Project* sought to assess current relapse prevention strategies within the province, strengthen best practices and identify gaps in service. Key components of the resulting model include: an emphasis on core programming for youth (e.g., resiliency, job preparation, cognitive skills, anger management); intense interventions for at least six months following discharge of a youth from custody; staff training in case work; reintegration/discharge planning; and building, maintaining and strengthening interagency partnerships and community support networks.
- In response to the *Female Reintegration Research Project* findings, two Community and Correctional Services staff participated in the *Women's Offender Substance Abuse Program* (WOSAP) training through Correctional Service Canada. This program addresses the substance abuse needs of women and adopts a systemic approach with a strong emphasis on strengthening the community through program integration.
- Creating a Safe Environment Deliberately (CASED) was established as core training. All community staff have participated in this specialized training.

Priorities for 2008/2009

- Collaboration with other youth serving agencies will continue to address issues related to "youth in transition," particularly those in need of transitional or temporary housing, which may include the expansion of Alternative Residential Placement resources.
- *The Youth Addiction and Offending Behaviour Project*, scheduled to commence in the new fiscal year, will enhance capacity to deliver need specific addiction programming to youth within the Youth Justice System and is intended to complement current addiction services. This project will interface with the provincial strategy, which is addressing current needs and delivery of service for youth addictions, in order to ensure co-ordinated services and accessibility for young persons who find themselves involved with the justice system.
- An automated offender management system will be procured, which uses modern technology and is developed specifically to meet the offender management needs of the division.
- Implementation of security equipment and procedures, identified through the community work site safety and security assessment, will continue at Community Programs work sites across the province, in order to ensure consistent standards.
- *Project Re-Claim* will intervene with repeat young offenders who have exceptional treatment needs with respect to addictions, mental health, anger management, education and employment. The project aims to create a framework for inter-agency collaboration, develop a model of intervention based on "best practice," and incorporate data collection and evaluation capacity to measure the outcome of the intervention and its impact on the type and rate of recidivism.

- Staff within Probation Services, who have not already received the training, will participate in evidence-based training in core correctional skills through Public Safety Canada's *Strategic Training Initiative in Community Supervision* (STICS).

Correctional Services

Correctional Services is comprised of three institutions: two adult facilities (Provincial Correctional Centre and Prince County Correctional Centre) and a dual designated facility at PEI Youth Centre. The primary functions are: sentence administration, remand, lock-up, court support and open and secure custody. The combined bed capacity is 132 beds. Internal programs include: academic, workshop, addictions, life skills, employment preparation, anger management, community service, family awareness programs and recreation. All facilities are available to the community for meetings, recreation, training and educational tours.

Highlights and Initiatives (Adult Custody)

- Adult facilities continue to see consistent demand in the areas of intermittent offenders, lock ups, women offenders and the remand population.
- As usual, staff are challenged to manage lock ups who consistently present with high-risk behaviours and significant mental health issues.
- In conjunction with this, staff are constantly struggling with intermittent sentences, placement of same in population, contraband issues as a result of having to place the intermittent sentences in the general population and escorting offenders back to Prince County Correctional Centre at very early hours of the morning. These issues present serious risk management concerns.
- Risk management issues continue to be a challenge for staff and management alike. Trying to manage the day-to-day behaviours of the offender population in an aging facility in a safe and effective manner is of serious concern for all.
- A Closed Circuit Television business plan has been developed for adult custody.
- Corrections Services participated in the annual Atlantic Correctional managers meeting.
- Recruitment and retention issues have been identified as serious concerns in the workforce.
- A human resources committee was struck to examine recruitment and retention strategies.
- Corrections Services staff participated on the bargaining team for the UPSE Civil Service contract.
- Sponsorship with the John Howard Society assisting offenders with pre-discharge plans, employment assistance, financial planning, housing, employability skills is ongoing.
- Work plans were updated to ensure completion of annual audits.
- Annual operational audits/security audits were conducted.
- Capital planning work was completed to improve the female unit, complete a new bullpen and purchase industrial equipment to upgrade some aging kitchen equipment.
- Preliminary review of *Correctional Services Act* and regulations has begun.
- Mandatory training was provided in specialized areas.
- Post analysis continued to track overtime costs for budget purposes.

- Ongoing support for services from Correctional Services Commission drug dog services was continued.
- Correctional Services participated on the Regional Security Intelligence Committee.
- Records management work has been ongoing.
- Pandemic planning continues with completion due in 2008-09 year.
- Bed days for this year totalled 39,610 in adult custody.

Prince County Correctional Centre Inmate Days – Adult Custody Fiscal Year April 1, 2007 – March 31, 2008						
Description	**First Quarter**	**Second Quarter**	**Third Quarter**	**Fourth Quarter**	**Yearly Total**	**Average Daily Count**
Sentenced Male	817	828	780	794	3,219	8.8
PCC Sentenced transfers held *	17	11	28	0	56	0.2
Remand Male	63	143	60	104	370	1
PCC Remand transfers held *	0	0	25	0	25	0.1
Intermittent Male	161	87	81	82	411	1.1
PCC Intermittent transfers held *	264	165	96	221	746	2
Exchange of Service Agreement (ESA) Male	54	108	184	275	621	1.7
Lockup Male	115	182	121	106	524	1.4
Lockup Female	11	13	9	11	44	0.1
Annual Totals	1,502	1,537	1,384	1,593	6,016	16.5

** These numbers relate to the inmates transferred from Provincial Correctional Centre to be housed at the Prince County Correctional Centre. These inmates have been issued an Inmate Number at PCC.*

Provincial Correctional Centre Inmate Days – Adult Custody Fiscal Year April 1, 2007 – March 31, 2008						
Description	**First Quarter**	**Second Quarter**	**Third Quarter**	**Fourth Quarter**	**Yearly Total**	**Average Daily Count**
Sentenced Male	1,321	2,518	3,349	4,430	11,618	31.7
Sentenced Female	409	348	324	426	1,507	4.1
PCCC Sentenced transfers held *	1,240	971	1,246	1,113	4,570	12.5
Intermittent Male	969	1,143	1,946	1,618	5,676	15.5
Intermittent Female	129	331	319	296	1,075	2.9
PCCC Intermittent transfers held *	277	250	120	232	879	2.4
Exchange of Service Agreement (ESA) Male	214	197	120	180	711	1.9
Exchange of Service Agreement (ESA) Female	31	15	0	0	46	0.1
Remand Male	1,775	1,628	658	357	4,418	12.1
Remand Female	27	134	118	61	340	0.9
PCCC Remand transfers held *	143	370	245	147	905	2.5
Lockup Male	213	371	204	180	968	2.6
Lockup Female	37	60	41	31	169	0.5
Young Offenders Male	9	15	10	10	44	0.1
Young Offenders Female	0	11	7	7	25	0.1
Federal Parole Violators (FPV) Male	20	76	83	74	253	0.7
Federal Parole Violators (FPV) Female	0	0	7	0	7	0
Community Based Residential Facility (CBRF) Male	43	145	111	18	317	0.9
Community Based Residential Facility (CBRF) Female	0	53	13	0	66	0.2
Annual Totals	**6,857**	**8,636**	**8,921**	**9,180**	**33,594**	**91.8**

** These numbers relate to the inmates transferred from Prince County Correctional Centre (PCCC) to be housed at the Provincial Correctional Centre (PCC). These inmates have been issued an Inmate Number at PCCC.*

Highlights and Initiatives (Youth Custody)

- Continued emphasis on recruitment of casual staff, which is a significant challenge particularly in youth workers and cooks; part-time staff and casuals who work other work sites that limit their availability to the Youth Centre;
- Continued support to Department of Education, Eastern School District with youth worker four days per week;
- Placements from UPEI School of Nursing, Holland College Youth Worker Program, Compu College and school of business to allow opportunity for potential career marketing;
- Review of youth case management policy and training completed;
- Ongoing partnerships with community groups to deliver program in and out of centre for youth;
- Community service work for youth at Salvation Army, Wyatt Heritage properties, Camp Tamawaby and Yankee Hill Cemetery;
- Completion of core training for staff in variety of areas;
- Post analysis initiated to track overtime costs;
- Pandemic planning initiated, to be completed in 2008-09;
- Contingency plans confirmed;
- Completion of orientation manuals; and
- Bed days total 3,038 for youth custody services.

PEI Youth Centre Resident Days – 1 April 2007 to 31 March 2008						
	Type of Residency					
Month	Lock-Up Days	Remand Days	Breach of Comm/ Super Days	Open Custody Days	Secure Custody Days	Monthly Total Resident Days
April 2007	3	0	0	34	157	194
May 2007	4	1	0	21	179	205
June 2007	9	69	0	17	176	271
July 2007	20	93	0	31	137	281
August 2007	22	45	0	79	104	250
September 2007	9	67	0	71	107	254
October 2007	15	17	0	156	82	270
November 2007	8	41	0	134	69	252
December 2007	7	38	1	88	104	238
January 2008	13	30	6	66	142	257
February 2008	4	16	15	75	150	260
March 2008	8	42	0	63	186	299
Total FY 07/08	122	459	22	835	1593	3031
% of Residency Based on FY Totals	4.03%	15.14%	0.01%	27.55%	52.56%	99.28%
% of Residency Based on Two Eight-Bed Units, Full Capacity				28.60%	54.55%	51.90%

Priorities for 2008-09 (Adult and Youth)

- Review of radio system needed;
- Training on mental health issues for staff;
- Increased refreshers on harassment training;
- Adult case management policy review/training;
- Development of nursing policies;
- Supervisory training for aspiring supervisors;
- Recruitment/retention issues for youth workers and correctional officers, cooks, and nurses;
- Pandemic planning completion for adult and youth sites;
- Managing youth population issues as trends continue to change;
- Responding to increasing risk factors associated with changing client profile/mix;
- Gender-specific programs for female offenders continue to be enhanced;
- Managing issues associated with intermittent sentences within correctional centres;
- Capital and capacity planning issues;
- Capital planning committee to examine feasibility of conceptual designs;
- Nursing services to expand divisionally to include nurse supervisor and additional 80 per cent nurse position;
- Further core and gender-specific program development as required;
- Explore alternative models for intermittent sentences;
- Client information system required;
- Maximize human resources in shift operations/schedules;
- Ongoing joint labour management co-operation;
- Appropriate funding to backfill leave utilization at custody sites;
- Analyze and monitor impacts on custody population of proposed federal legislation changes;
- Expansion of bed capacity for overflow or difficult populations at the Youth Centre;
- Draft of *Correctional Service Act* and Regulations to be completed; and
- Annual audits/operational reviews to occur.

Clinical Services

The Clinical Services team is a provincial resource which provides assessment and treatment to offenders and high-risk community members. The target populations of the team's services are high-risk adults and youth, referred from agencies across the province, while also accepting direct self referrals from adult Islanders for certain programs. Programs assist, support and treat individuals experiencing significant personal difficulties associated with criminal court interventions and behaviour associated with the presentation of high-risk behaviour to self or others. The team also provides training, consultation and case management support.

The staffing of the team includes the following nine positions: Clinical Services Manager, Administrative Assistant, Clinical Intern, Risk/Need Co-ordinator, Program Co-ordinator, Justice Resource Centre Co-ordinator, Turning Point Co-ordinator, Sexual Deviance Specialist and Aboriginal Case Worker.

Intervention and Treatment Approaches

- Assessment in the areas of:
    - Sexual deviance, intimate/domestic violence, anger management;
- Individual treatment in the areas of:
    - Sexual deviance, intimate/domestic violence, anger management, motivational counselling, substance abuse interventions, supportive counselling, victim support services (specifically to victims whose partners are participating in individual or group treatment, e.g., Turning Point Program);
- Group treatment programs, including:
    - Male and female anger management,
    - Turning Point Programs (domestic violence intervention),
    - Adult and adolescent sexual deviance treatment,
    - Relapse prevention for adults who have committed a sexual offence;
- Case consultation to medical, psychiatric, child protection, federal corrections, provincial community and corrections, mental health services, crown attorneys, defence attorneys and policing services;
- Participation in advisory councils throughout the province (e.g., Premier's Action Committee on Family Violence);
- Supervision of interagency treatment personnel regarding delivery of sexual deviance, relapse prevention and intimate violence group programs;
- Continued maintenance and development of interagency participation in the delivery of group treatment programs; and
- Crisis intervention related to depression, substance use relapse, suicidal and homicidal ideation.

Highlights and Initiatives

Clinical Services Team members delivered the following presentations/workshops:

- Turning Point Facilitator Training;
- Community Program Orientation to New Social Workers;
- Anger Management Orientation to Child and Family Services;
- Internet Sexual Offender Presentation to National Parole Board (Moncton);
- Sexual Behaviour in Teens to PEI School Guidance Counsellors;
- Sexual Behaviour in Children to Early Childhood Program (Holland College);
- Sex and Intimacy Presentation to six high schools;
- Boundaries Workshop to Community Correctional Services Staff (2);
- Safety and Effective Training Series (Adult and Youth Custody);
- Youth Addiction Public Consultation Sessions (3);

- Youth Case Management Training to Correctional Services Staff (5);
- Level of Services Inventory Skills Building;
- Motivational Interviewing Workshop to Community Correctional Services Custody Staff;
- Motivational Interviewing Workshop to Victim Services and Transition House Association; and
- Public Consultation Sessions (3) on Youth Addictions.

Clinical Services Client Contacts

Clinical Services Team members see individual offenders and youths on a one-to-one, ongoing, as-needed basis, based on referrals from both Community and Custody Program Staff. These can be brief interventions of only one to a few meetings, or ongoing treatment or counselling over the entire course of the individual client's disposition.

Team members also respond to staff members with individual consultative needs, with or without direct client contact. Many of these client contacts extend beyond a particular segment of the disposition, that is, an individual who was first seen in custody may continue to be seen in the community on release and may continue to be seen if the client returns to custody. The fact that the same Team member can continue to see a particular client in these different settings provides a continuity of care that is important in maintaining a consistent therapeutic context.

In the fiscal year 2007-2008, team members served approximately 300 adult client contacts and approximately 200 youth client contacts, averaging two to four sessions each per month. All PEI Youth Centre clients were seen individually, weekly or biweekly as needed. The Clinical Services Manager provided consultation and intervention services for high needs mental health cases and high-risk self-harm cases. These clients are also already on other team members' caseloads. Brief Group Program Intervention was offered in Adult Custody, i.e., Relationships Skills for women and for men, Anger Management, Relationship Skills and Parenting, for a total of 49 clients.

Community Programs and Participant Numbers

Program Offered	Total Participants	Females	Males
Male Anger Management Program (3 programs)	20	0	20
Turning Point Program (5 programs: 2-Ch'town, 1-Montague, 2-S'side)	31	0	31
Touching Problem Group (Pre-teen children)	0	0	0
Adolescent Sexual Deviancy Treatment	2	0	2
One-to-One Counselling/Intervention (all programs)	68	7	61
Sexual Deviance Treatment (2 programs)	12	0	12
Sex Offender Support Maintenance Group (follow-up to treatment)	9	0	9
Total Number of Program Participants	**142**	**7**	**135**
Sexual Deviance Assessments (Adolescent/Adult)	28	0	28
Turning Point Assessments	64	0	64
Turning Point Victim Contacts/Assessments	64	64	0
Other Program Assessments	145	22	123
Total Assessments	**301**	**86**	**215**

Priorities for 2008-09

- Recruitment and training of Turning Point facilitators;
- Standardized Risk/Need Assessment tool consultation and training;
- Primary prevention of domestic violence, sexual offending and youth offending;
- Staff awareness and education, especially regarding Clinical Services Team services;
- Gender-responsive and culturally-appropriate services and programming;
- Family and parenting, especially youth;
- Development of new Family Therapist position;
- Adapting to serve an aging offender population; and
- Strengthening linkages with other agencies including Health, Child and Family Services.

Finance and Administration

The Corporate Services Manager for the Community and Correctional Services Division has responsibility for the overall financial administration of the division.

The Corporate Services Team includes the following positions: Corporate Services Manager, Administrative Officer, two Administrative Assistants and two Personnel Clerks.

Major areas of responsibility include:

- Budget control, monitoring and forecasting;
- Processing of all divisional expenditures;
- Purchasing and inventory control;
- Contract management;
- Revenue management;
- Financial planning and analysis;
- Auditing and investigation services;
- Managing the administrative requirements;
- Payroll processing;
- Information systems development and support; and
- Reporting.

Highlights and Initiatives

- Negotiations were finalized with the Federal Department of Justice for the five year Inter-Provincial youth funding supplemental agreement for IRCS sentencing option.
- The five year Inter-Provincial youth funding main agreement was signed by our minister upon approval by Executive Council and Treasury Board.
- Many changes were made to the payroll processes to facilitate an integrated payroll and HR system.
- We participated in an Atlantic working group to analyze and report on the impact of criminal law amendments on corrections.
- Consistent application of policies and procedures across the division has been improved, as well as cross training of administration staff in the areas of payroll.

Priorities for 2008-2009

- Review of pensionable hours for staff who worked under the government and were affected by the move of Corrections to the health regions and back to government;
- Invest in consistent personnel and file management process divisionally;
- Continue to develop and implement records management retention schedules;
- Continue to support the division in financial and administrative issues;
- Improve the manual statistical reporting processes in order to provide more information to our managers and external requesters; and
- Facilitate the smooth transition of payroll processes upon implementation of the PeopleSoft Payroll system.

Planning and Development

The primary areas of responsibility of Planning and Development include: human resource planning, staffing, co-ordination of divisional training, policy development, occupational health and safety and employee wellness.

Highlights and Initiatives

Human Resource Planning

- A priority was placed on development of a Human Resource (HR) Plan for the Custody Services Section in response to increasing HR challenges related to increasing turnover in permanent and casual correctional officers, youth workers, cooks and nurses.
- A Review of Casual Staffing in Adult Custody was conducted.
- Orientation programs and job descriptions were updated by a Co-operative Education student from UPEI, who was recognized as the winner of the Don MacCormac Award for Excellence over the course of the five years of the program.
- A divisional Demographic Profile was completed.
- The division hosted the first meeting of the Atlantic Corrections Human Resources Committee.

Staffing

- There was a definite increase in staffing activity to meet staffing needs, particularly for correctional officers, youth workers, community youth workers, cooks, nurses and administrative support positions.

Training and Development

- Training on the new Youth Case Management Policy and Motivational Interviewing was delivered by divisional supervisors to all Youth Custody and Youth Justice Services staff.
- A significant number of individual and group applications were approved by the Training and Development Funds to support training needs of divisional employees.

Policy Development

- New policies were developed and implemented on Youth Case Management and Performance Development.
- Work was initiated to revise the Adult Case Management Policy.

Occupational Health and Safety

- Workplace inspections have been conducted.
- The Creating a Safe Environment Deliberately course was delivered to increase staff awareness of safety issues.

Employee Wellness

- A new initiative, Healthy Workplace Week, took place in October and was well received by employees.

- Health checks and flu shots were offered to employees in the workplace.
- A divisional Pedometer Challenge took place during the winter.
- Divisional employees raised $1,020 in support of the Esther Finkle Funds for Kids.
- A walkathon with refreshments concluded the pedometer challenge and fundraiser.
- Research was conducted on Employee Wellness in custody facilities.

Priorities for 2008-09

Priorities for the upcoming year include:

- Conduct divisional demographic profile;
- Develop succession management and recruitment strategies;
- Continue involvement in Atlantic Corrections HR Committee;
- Identify resources to respond to increasing staffing activities;
- Develop divisional Training and Development Calendar and co-ordinate priority training;
- Policy Development:
  - Complete Adult Case Management Policy,
  - Review Victim Interests Adult Policy,
  - Develop Clinical Nursing policies,
  - Update Food Services policies and
  - Continue work of Community Services priority policies.
- Arrange workshop on shift work for divisional shift workers; and
- Promote employee wellness to assist with employee safety and retention.

Consumer, Corporate and Insurance Services Division

Director: Katharine Tummon
Corporate Counsel: Steven Dowling

The Consumer, Corporate and Insurance Services Division registers and incorporates business enterprises, co-operatives and nonprofit organizations that are formed in the province and registers all out-of-province companies carrying on business in the province. Selected business enterprises such as insurance companies, securities dealers, real estate firms, credit unions and other financial institutions in the province are regulated.

The division administers the Gun Control Program and the Orderly Payment of Debts Program. All charitable bingos, raffles and similar lotteries are licensed under the Lottery Schemes Order. Consumers are provided with information and assistance in dealing with problems encountered in the marketplace. The Public Trustee provides protection and assistance to mentally incompetent persons by looking after their financial affairs.

Corporate Section

Acts Administered

The Corporate Section of the division is responsible for the administration of the following acts:

Companies Act
Condominium Act
Co-operative Associations Act
Credit Unions Act
Extra-provincial Corporations Registration Act
Foreign Resident Corporations Act
Franchises Act
Limited Partnerships Act
Partnership Act
Securities Act
Trust and Fiduciary Companies Act
Winding Up Act

Statistics

Following are statistics related to the various statutes administered by the Corporate Section:

Companies Act	**2007-2008**	**2006-2007**	**2005-2006**
Incorporations during the year:			
Business corporations	491	404	390
Nonprofit corporations	42	38	48
Certificates of Good Standing issued	668	407	226
Annual returns filed under Section 80 of the *Companies Act*	4,980	4,434	4,573
Number of companies dissolved	212	265	185
Number of companies revived	33	16	18

Co-operative Associations Act

There are approximately 100 active co-operatives in the province. During 2007-2008, there were five new co-operatives incorporated.

Credit Unions Act

The *Credit Unions Act* is administered by the Credit Union Central of Prince Edward Island, which also carries out inspections of credit unions. A separate report on credit unions, as compiled by the Credit Union Central, is also presented in the legislature.

Since 1992, there has been an insurance plan in place for credit unions, operated by the Credit Union Deposit Insurance Corporation (CUDIC). The insurance coverage, provided for deposits and shares in credit unions, is similar to that provided for deposits in banks and trust companies by the Canada Deposit Insurance Corporation.

On December 24, 1997, amendments to the *Credit Unions Act* were passed which increased the deposit insurance coverage to 100 per cent of credit union members' deposits held in registered retirement savings plans and registered retirement income funds.

The Credit Union Central staff and CUDIC communicate regularly with the department to keep it informed about the credit union movement. The Director of Consumer, Corporate and Insurance Services also serves as the Registrar of Credit Unions.

Extra-provincial Corporations Registration Act

All out-of-province businesses carrying on business in this province are required to register under the *Extra-provincial Corporations Registration Act* regardless of whether they have an office or employees in the province. Such business organizations include banks, trust companies, loan companies, finance companies, chain stores, oil and gas companies, construction companies, manufacturers and generally all companies not incorporated under the laws of this province and having their head office or chief place of business located outside the province.

Extra-provincial Corporations Registration Act	2007-2008	2006-2007	2005-2006
Companies registered	2,830	2,756	2,614
Certificates of Good Standing issued	238	233	361

Franchises Act

The new *Franchises Act* is the responsibility of the Corporate Section. The sections of the new act providing for a duty of fair dealing and rights of association came into force on July 1, 2006. The disclosure requirements of the act and its regulations were brought into force on January 1, 2007.

Partnership Act

The business names of sole proprietorships and partnerships are registered under the *Partnership Act* as well as trade names of corporations.

Partnership Act	2007-2008	2006-2007	2005-2006
Declarations filed	1,009	951	1,173
Dissolutions filed	1,076	257	1,021

Declarations filed under the *Partnership Act* expire three years after the date of filing unless renewed.

Securities Act

The *Securities Act* regulates the sale of securities to the public and provides for the licensing of dealers, advisers and salespeople. The purpose of securities legislation is to provide investor protection and to foster efficient capital markets.

Canadian Securities Administrators (CSA)

The Canadian Securities Administrators (CSA) is comprised of the 13 provincial and territorial securities regulatory authorities in Canada. Over several years, the CSA has established and continues to develop and administer the Canadian Securities Regulatory System. The CSA functions through meetings of Commission Chairs and Registrars held at regular intervals, meetings and ad hoc interactions between executive directors and through working committees.

In 2004, all CSA jurisdictions with the exception of Ontario entered into an agreement to implement a "passport system" of regulation for securities market participants across the country. On March 17, 2008, Prince Edward Island brought into force a new *Securities Act* which has permitted the province to adopt the passport system for the regulation of public companies. The new act also includes the legal tools necessary to adopt the next stage of passport which is to involve the registration of dealers, advisers and salespeople.

***Securities Act* registrations and filings:**	**2007-2008**	**2006-2007**	**2005-2006**
Licences issued:			
Salespersons and individual advisers	4,292	3,891	3,645
Brokers and firm advisers licensed	207	201	195
Prospectuses registered	2,999	2,837	2,698
Prospectuses amendments registered	1,414	1,437	1,466
Certificates of Exemption	71	60	124
Annual Information Forms registered	1,251	914	866

Revenue

Revenue Source:	**2007-2008**	**2006-2007**	**2005-2006**
Companies Act	$518,000	$413,000	$472,000
Extra-provincial Corporations Registration Act	746,000	754,000	713,000
Securities Act	4,044,000	3,813,000	3,542,000
Other statutes	148,000	153,000	150,000
Total revenue collected by Corporate Section	$5,456,000	$5,133,000	$4,877,000

Comments

Corporate section staff spend a significant amount of time responding to inquiries from the public as much of the information filed in the section is public information. Requests for information about corporations, co-operatives, partnerships or other matters come from the legal and accounting professions, other government departments, police authorities, business people, financial institutions and the public at large.

Corporate Section Personnel

Securities

Registrar/Superintendent of Securities	Mark Gallant
Securities Secretary	Lorraine Matheson
Securities Clerk	Janice Callbeck

Corporations

Corporations Officer	Joan MacKay
Administrative Assistant	Sheila MacNevin
Corporations Clerk	Lori Stewart
Corporations Clerk	Della Godfrey

Insurance and Real Estate Section

Insurance Act	2007-2008	2006-2007	2005-2006	2004-2005
Insurance companies licensed	217	216	219	212
Applicants examined	41	59	57	58
Number of insurance agents licensed	1,150	1,240	891	353
Number of insurance adjusters licensed	230	164	128	55

Comments

The Superintendent of Insurance also acts as the Registrar under the *Real Estate Trading Act*. The superintendent primarily administers the *Insurance Act*. Duties of the office centre around the licensing and regulation of all insurers, agents and adjusters active in the province. The office receives consumer inquiries and complaints and responds to each with information and/or intervention as required.

The superintendent participates in regional and national efforts to ensure the local insurance industry environment remains current and best serves the needs of all stakeholders. The ultimate goal remains to ensure the products demanded by the public are available at the lowest possible cost.

An Act to Amend the Insurance Act was passed by the Legislative Assembly on December 2, 2003. These amendments included the elimination of the residency requirement as a condition of licensing for insurance agents and adjusters. These amendments were proclaimed effective August 1, 2005, paving the way for non-residents to be licensed under the *Insurance Act*. These changes explain the huge increase in the numbers of licensed agents and adjusters in fiscal 2005-06, 2006-07 and 2007-08.

Revenue

Revenue collected under the various statutes is as follows:

Revenue Source	2007-2008	2006-2007	2005-2006
Premium tax	$8,469,000	$8,134,000	$8,102,000
Fire prevention tax	411,000	399,000	386,000
Third-party auto levy	1,913,000	1,805,000	1,909,000
Licence fees and other	651,000	501,000	516,000
Total Insurance and Real Estate Section revenue	$11,444,000	$10,839,000	$10,913,000

Comments

Premium tax at the rate of 3.5 per cent is collected on all insurance premiums (except fraternal) written in the province. The Fire Prevention Tax, which is assessed at one per cent of the total fire premium, is basically designed to defray expenses of the Provincial Fire Marshal's office. The Third Party Auto Levy is assessed on each insurer underwriting auto insurance. The purpose of the Third Party Auto Levy is to offset provincial health care costs associated with innocent victims of automobile accidents. The levy allows the province to recover its costs in an efficient manner and is assessed on a per earned vehicle basis.

Real Estate

The registrar administers the *Real Estate Trading Act*. Duties of the office include the licensing and regulation of all agents and salespersons active in the province. The office receives consumer inquiries and complaints and responds to each with information and/or intervention as required.

***Real Estate Trading Act* Statistics**	**2007-2008**	**2006-2007**	**2005-2006**
Agents licensed	40	39	42
Salespersons licensed	285	266	253

Insurance and Real Estate Section Personnel

Superintendent of Insurance Robert Bradley
Compliance Officer Sandra Furlotte

Office of the Public Trustee

At March 31, 2008, the Office of the Public Trustee had 460 clients with balances in their trust accounts. Funds held in trust at March 31, 2008, totalled $10.4 million. The funds of clients with available balances are invested in term bank deposits ($7.0 million). The trust accounts are audited annually by the Auditor General and his report is available to the public.

The section continues to enjoy a close working relationship with the health care agencies and, as a result, is able to better control the assets of patients or guests who are considered incompetent. The role of the Public Trustee is increasing as many persons admitted to government homes are declared incompetent before admission. The Public Trustee is also called upon to represent estates of deceased persons in certain actions and, of course, continues to act as Administrator of Estates when no one else is available or qualified. The advisory committee is consulted from time to time as the need arises.

Office of the Public Trustee Personnel

Public Trustee Mark Gallant
Deputy Public Trustee Robert Landry
Administrative Assistant Nancy Walker

Consumer Services Section

The Consumer Services Section is responsible for the administration of the following programs:

Program	Statutory Reference
Debtor Assistance	Orderly Payment of Debts, Part X of the *Bankruptcy and Insolvency Act*
Gun Control	Sections 84-117, *Criminal Code* and the *Firearms Act*
Consumer Education and Information, Complaints and Inquiries	Various Provincial Statutes
Regulation of Charitable Gaming	Lottery Schemes Order, sections 206 and 207 *Criminal Code*
Licensing of various industries	Various Provincial Statutes

Debtor Assistance Program – Orderly Payment of Debts (OPD) Part X, Bankruptcy and Insolvency Act

Through this program, an alternative to consumer bankruptcy, a person pays off his or her debts by making a series of monthly payments to the Clerk of the Court. Through OPD, debtors are given the opportunity to retire their debts over an extended period of time, consistent with their ability, while maintaining a reasonable standard of living. The relevant statistics are as follows:

	2007-2008	2006-2007	2005-2006
Funds disbursed to creditor	$256,466	$198,965	$303,600

In 2005-2006 the department began phasing out the OPD program and stopped taking on new clients. Thirteen files were closed in 2007-08 as opposed to 15 clients who retired their debts in 2006-2007 and 14 clients who did so in 2005-2006. The department continues to service all existing clients who are paying off their debts in an orderly fashion.

Gun Control – Sections 105-116, Criminal Code

In 2007-2008 there were 33 organizations that had business licences under the *Firearms Act*. Ten of these are businesses licensed to sell firearms, restricted and non-restricted, one is a theatrical company, two are armed guard companies and two are museums. Sixteen businesses are licensed to sell ammunition only. One company had a business licence for firearms safety training instructional purposes only.

As well, there were 572 firearms Possession and Acquisition Licences (PALS) issued for the purpose of acquiring firearms from April 1, 2007, to March 31, 2008. There were 841 possession only licences renewed as well during this period.

There are four CFO approved shooting clubs: one in Kings County, the Island Shooting Sports Club Inc.; one in Queens County, the PEI Provincial Rifle Association; and two in Prince County, the Livingston Family Gun Club and the Prince County Sports Club Inc.

In addition to licensing firearms businesses, this office issued 60 Authorizations to Carry firearms to armed guards who work within the province and 188 Authorizations to Transport firearms for various purposes.

Consumer Protection

This section provides information and assistance to consumers who are considering purchasing goods and services. Our staff also responds to consumer complaints and advises consumers of their rights under provincial consumer protection legislation. We assist with informal mediation between consumers and retailers and take corrective measures under provincial legislation where warranted. The section issues consumer alerts and participates in consumer protection seminars and workshops for seniors, youth and other groups.

Regulation of Charitable Gaming

The Lottery Schemes Order made under the federal *Criminal Code* empowers the province to licence and set terms and conditions for charitable gaming. These include bingos, raffles, lotteries, casino nights, 50/50 draws and sports pools. Licensing and financial statistics follow:

Licensing Statistics	**2007-2008**	**2006-2007**	**2005-2006**
Lottery scheme licences issued	1,068	1,013	981
Bingos licenced	32	33	31

Bingo Revenue and Expenses	**2007-2008**	**2006-2007**	**2005-2006**
Total receipts	$12,118,000	$12,013,000	$12,199,000
Prizes paid out	8,755,000	8,844,000	8,883,000
Wages to employees	818,000	790,000	691,000
Supplies (bingo paper)	359,000	353,000	398,000
Licence fees	175,000	177,000	178,000
Advertising	136,000	149,000	154,000
Rent	165,000	156,000	187,000
Other expenses – utilities, management fees	340,000	320,000	159,000
Total Expenses	10,748,000	10,789,000	10,650,000
Total receipts minus total expenses	$1,370,000	$1,224,000	$ 1,549,000

Licensing and Registration of Various Industries

In addition to those statutes mentioned earlier, this section also administers the following statutes which require a licence or registration:

Auctioneers Act

Cemeteries Act

Charities Act

Collection Agencies Act

Consumer Reporting Act

Direct Sellers Act

Private Investigators and Security Guards Act

As well, the section is responsible for the administration of four other statutes which, while no licence or registration is required, do prescribe rules of conduct. They are:

Business Practices Act

Consumer Protection Act

Films Act

Pre-arranged Funeral Services Act

Licensing Statistics:	**2007-2008**	**2006-2007**	**2005-2006**
Auctioneers (two-year licence term)	5	18	6
Collection agencies (two-year term)	32	17	29
Total number of Collection Agencies	52	53	44
Consumer reporting agencies (two year term)	1	4	1
Direct sellers (two-year term)			
Individuals	14	10	13
Companies	15	19	15
Private investigators and security guards			
Individuals licensed	478	312	314
Companies licensed	27	23	23

Floral Hills Gardens Administration Act

This Act came into force on December 15, 2006. It transfers ownership of the Floral Hills Memorial Gardens cemetery to the Province. The FHMG Cemetery Co-operative Limited has been operating the cemetery on behalf of the Province.

Revenue

The Consumer Services Section collects fees under various statutes, as follows:

Revenue Source:	2007-2008	2006-2007	2005-2006
Lottery Schemes Order	$234,000	$244,000	$227,000
Gun control – federal funding	194,000	176,000	159,000
Other statutes	68,000	61,000	88,000
Total section revenue	$496,000	$481,000	$474,000

Consumer Services Section Personnel

Firearms

Chief Firearms Officer	Vivian Hayward
Provincial Firearms Officer	Corey Frizzell
Secretary	Debbie MacKenzie

Consumer Protection

Compliance Officer	Linda Peters
Secretary	Marlene Hughes

Crown Attorneys' Division

Director: Cyndria L. Wedge

Mandate

The Crown Attorneys' Office is mandated to represent the Attorney General of the province in all aspects of his prosecutorial function. The Crown Attorneys' Office prosecutes offences under the *Criminal Code of Canada*, the *Youth Criminal Justice Act* and provincial statutes in the Provincial, Supreme and Appeal Courts of Prince Edward Island and in the Supreme Court of Canada. The Crown Attorneys' Office also provides legal advice on criminal law to government ministries and the police and develops policies and procedures on issues relating to the prosecution of criminal cases.

Mission statement

The mission of the Crown Attorneys' Division is to ensure fair and equal treatment in prosecuting offences.

Vision Statement

In attempting to achieve its mission, the Crown Attorneys' Division contributes to the government's priority of fulfilling its social responsibility for providing for public safety.

In order to accomplish its mission, the Crown Attorneys' Division has set the following goals:

(a) providing a prosecutorial service that reflects professional competency, dedication to public service and high ethical standards;

(b) providing a prosecutorial service that identifies and allocates the resources required to carry out its mission;

(c) providing within the prosecutorial service an environment that allows for the independent exercise of prosecutorial discretion; and

(d) providing a prosecutorial service that is reflective of the community it serves.

Main Activities

(a) Provide advice to the police, upon their request;

(b) Provide advice to provincial government departments, upon their request, concerning enforcement and prosecutions under provincial legislation that may lead to prosecutions;

(c) Represent the Crown at judicial interim release (bail) hearings and preliminary inquiries in indictable criminal matters;

(d) Prosecute *Criminal Code*, *Youth Criminal Justice Act* and provincial statute offences;

(e) Represent the Attorney General in criminal appeals before the Supreme Court of Prince Edward Island;

(f) Represent the Attorney General in criminal appeals before the Supreme Court of Canada;

(g) Arrange and deal with criminal charges transferred to and from this province;

(h) Act for the Crown pursuant to the provisions of the *Coroner's Act*;

(i) Defend against constitutional challenges to provisions of the *Criminal Code of Canada*, the *Youth Criminal Justice Act* and provincial statute offences;

(j) Participate in the Alternative Measures Program for young offenders and adult offenders;

(k) Represent the Attorney General on the Criminal Code Review Board;

(l) Conduct criminal law refresher programs with the various police agencies in the province; and

(m) Participate on a number of federal/provincial/territorial committees and consult with task forces in relation to various criminal law initiatives, which include:

- (i) DNA Data Bank;
- (ii) *Firearms Act*;
- (iii) *Corrections and Conditional Release Act* review;
- (iv) *Youth Criminal Justice Act*;
- (v) Cross-Border Crime;
- (vi) National High Risk Offender flagging system;
- (vii) FPT Sentencing Working Group;
- (viii) Victims Services Advisory Committee;
- (ix) Strategy for the Renewal of Youth Justice;
- (x) Repeat Impaired Driving Project;
- (xi) Aboriginal Community Justice Working Group;
- (xii) Interagency Committee on Family Violence;
- (xiii) Uniform Law Conference (Criminal Law Section);
- (xiv) Organized Crime; and
- (xv) Anti-Terrorism.

Administration

The administrative office is located in Charlottetown. The Charlottetown office handles court matters in the Supreme Court in Charlottetown and the Provincial Courts located in Charlottetown and Georgetown. The Charlottetown office deals with other matters relating to the administration of prosecutions in the province. The Summerside branch office is responsible for Prince County Supreme and Provincial Court matters located in Summerside.

Organization

During FY 2007-08, staffing changes occurred within the Crown Attorneys' Division. On February 11, 2008, David Larter commenced an 18-month leave of absence to accept a temporary position at the Human Rights Commission. His position has been backfilled on a temporary basis by Dawn MacDonald.

In December 2007, Sandy Knudson took a one-year leave of absence. Her Administrative Support position has been temporarily filled by Cindy Stewart.

Therefore, as of March 31, 2008 the staffing of the division is as follows:

Director	Cyndria L. Wedge, Charlottetown office
Senior Crown Attorney	David P. O'Brien, Q.C., Summerside office
Senior Crown Attorney	Gerald Quinn, Q.C., Charlottetown office
Crown Attorney	Valerie A. Moore, Charlottetown office
Crown Attorney	John A. McMillan, Q.C., Charlottetown office
Crown Attorney	Lisa Goulden, Charlottetown office
Crown Attorney	John R. Diamond, Q.C., Summerside office
Crown Attorney	Dawn MacDonald, Charlottetown office
Adm. Assistant	Wendy R. McKeeman, Charlottetown office
Adm. Support Worker	Michele Montgomery, Summerside Office
Adm. Support Worker	Lisa Gallant, Charlottetown Office
Adm. Support Worker	Cindy Stewart, Charlottetown Office

Caseload

Overview

A combined total of 4,560 adult and young offender *Criminal Code* charges were laid in the fiscal year 2007-2008. The four prior fiscal years are included for comparison purposes.

Fiscal Year	Adult	Young Offenders	Total
2003-04	3,953	476	4,429
2004-05	4,090	456	4,546
2005-06	4,553	591	5,144
2006-07	4,591	610	5,201
2007-08	4,042	518	4,560

Provincial statutory offences are not included in the above-noted totals. In the fiscal year 2007-2008 the Crown Attorneys' Division dealt with 165 contested provincial matters. The preceding three fiscal years are as follows:

Fiscal Year	Total
2004-05	163
2005-06	208
2006-07	198
2007-08	165

Alternative Measures

For the fiscal year 2007-2008 a total of 146 adults had criminal matters dealt with by way of alternative measures, pursuant to s. 717(1)(a) of the *Criminal Code*. During the same period, 83 youth criminal matters went by way of the alternative measures program. The preceding three fiscal years are included for comparison purposes.

Fiscal Year	Adult	Young Offenders	Total
2004-05	77	41	118
2005-06	74	56	130
2006-07	230	104	334
2007-08	146	83	229

Please note: figures for 2004-2005 and 2005-2006 only include pre-charge Alternative Measures, while figures for 2006-2007 and beyond include both pre- and post-charge Alternative Measures.

Appeals

During the fiscal year 2007-2008 there were a total of 24 appeals involving the Crown Attorneys' office. The total consisted of four Crown appeals, nine defence appeals, three prisoner appeals and eight administrative appeals. The preceding three fiscal years are included for comparison purposes.

Fiscal Year	Crown	Defence	Prisoner	Administrative	Total
2004-05	0	13	1	35	49
2005-06	3	10	0	23	36
2006-07	3	7	1	17	28
2007-08	4	9	3	8	24

Justice Policy Division

Director: Ellie Reddin

Overview

This division serves as a resource to the Office of the Attorney General in the areas of policy development and community and social development.

The division:

- Provides policy analysis and advice to the Attorney General and Deputy Attorney General;
- Co-ordinates departmental criminal justice policy development;
- Provides leadership and federal/provincial liaison regarding justice research, statistics and information systems;
- Represents the provincial government at the FPT Continuing Committee of Officials on Human Rights;
- Develops policing policy for the Province, co-ordinates police training on new federal initiatives and contributes to national policing policy;
- Serves as OAG liaison for Federal/Provincial/Territorial (FPT) criminal justice officials committees and working groups;
- Participates in the healthy child development strategy;
- Provides resources to Aboriginal justice, crime prevention/community safety and public legal education;
- Provides consultation to community and government agencies; and
- Encourages community involvement in justice issues.

Highlights and Initiatives

Crime Prevention/Community Safety

During the year, a *Memorandum of Understanding on Collaboration in the Matter of Community Safety and Crime Prevention* was signed between Canada and PEI. The Memorandum lays out principles, strategies and the process of working with the National Crime Prevention Centre (NCPC), Public Safety Canada, in the context of NCPC funding programs that focus on risk factors and evidence-based practice. The role of the Manager, Justice Resource Service, includes co-chairing the Joint Management Committee for PEI.

The *Taking Stock: Community Safety and Well Being Initiative* project concluded its work in 2007. The focus was on conducting research and building strong partnerships, creating a foundation for a planned approach to work together for community safety and well-being by addressing the root causes of crime. This was funded through NCPC. This work has culminated in a *Provincial Safer Communities Framework*: an action plan for working together for community safety and well-being, providing the foundation for future work.

One focus of the action plan is to provide local communities with knowledge, skills and access to resources. One highlight of this year was working with the Community Legal Information Association on the project, *Local Leadership for Community Safety and Well-being*. Free community workshops were held in Charlottetown and training was provided by the Manager, Justice Resource Service.

The Manager, Justice Resource Service, served on the Advisory Committee of the Atlantic Summer Institute on Healthy and Safe Communities which explores the integral links between health promotion, crime prevention and social development. The fourth annual event, held in August 2007, with the theme of *Strengthening Communities Across Generations* fostered partnerships, provided networking opportunities, broadened perspectives, developed skills and built intersectoral capacity. Planning focused on delivery of a curriculum and sustainability of this initiative, including plans to move to an incorporation model of governance.

The Manager, Justice Resource Service, served on the *Atlantic Co-ordinating Committee on Crime Prevention and Community Safety* an important vehicle for sharing information across provincial, federal and community agencies in the region.

Aboriginal Justice
The division continued to provide support to the Mi'kmaq Confederacy of PEI Aboriginal Justice Program (MCPEI AJP). The MCPEI AJP is a partnership between Lennox Island and Abegweit First Nations, the Aboriginal Women's Association of PEI and the Native Council of PEI. Funding for MCPEI AJP is cost-shared through Canada's Aboriginal Justice Strategy which was renewed in the Fall 2007 until 2012, creating the opportunity for long term planning and increased resources. A Tripartite Agreement was signed between Canada, PEI and MCPEI for the 2007-2008 year. Negotiations began for a new *Memorandum of Understanding* between Canada and PEI.

Aboriginal Affairs
During this fiscal year the Manager, Justice Resource Service, was involved as part of the department's team in negotiating a *Canada/Prince Edward Island Mi'kmaq Partnership Agreement*.

Policing Policy
A new *Police Act* was passed in December 2006. It will not be proclaimed until amendments are made and regulations are finalized. The consultation process with representatives of the PEI Association of Chiefs of Police, police unions and associations and municipalities continued throughout the year.

Policy Development
It was determined that the Guideline for Release of Information on High Risk Offenders, initially prepared in 2001 and updated in 2004, should be replaced with a departmental policy focused primarily on case management of high-risk offenders. Work with a policy development committee started in this fiscal year.

Human Rights
As PEI's representative on the Continuing Committee of Officials on Human Rights, the Director gathers information from officials in various departments for PEI's submission to Canada's reports on the six UN human rights treaties Canada has ratified and also responds to other requests for information on an ongoing basis. The major pieces of human rights reporting work for the 2007/08 fiscal year included: developing a PEI Discussion Paper for a federal/provincial consultation in March 2008 regarding

Canada's possible ratification of the UN *Convention on the Rights of Persons with Disabilities*; and preparing PEI's submission to Canada's 6th Report on the *Convention Against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment*.

Federal/Provincial/Territorial (FPT) Liaison

The Director is the primary PEI representative on the Co-ordinating Committee of Senior Officials (CCSO), Criminal Justice and CCSO working groups, as well as the FPT ADM Committee on Policing Issues and the National Co-ordinating Committee on Organized Crime. In addition, the Director represents the department on the FPT Liaison Officers Committee for the Canadian Centre for Justice Statistics.

Participation in FPT working groups and committees leads, for the most part, to consideration of issues, proposals and recommendations at FPT meetings of Ministers and Deputy Ministers Responsible for Justice. In 2007/08, briefing books were prepared for FPT Ministers meetings in November 2007 and FPT Deputy Ministers meetings in June 2007 and January 2008. In addition, a briefing book was prepared for the meeting of Atlantic Ministers Responsible for Justice held in September 2007.

Personnel

In 2007/08, the Justice Policy Division included:

Director	Ellie Reddin
Manager, Justice Resource Service	Jill Lightwood
Administrative Assistant	Debbie Cullen
Administrative Support (.4 FTE)	Bonnie MacLean
Consultant (contracted part-time)	Julie Devon Dodd

Legal and Judicial Services

Director: Barrie L. Grandy, Q.C.

Family Law Section

Manager: Loretta Coady MacAulay

Vision Statement

The Honourable C. R. McQuaid Family Law Centre is based on the belief that the future of society depends on the well-being of its children. Since individuals, families, communities and governments all share responsibility for achieving that well-being, families must be valued and supported. The Family Law Centre was established to provide programs and services, in a co-ordinated manner, to families going through separation and divorce.

Mission Statement

To develop and continue family justice programs and services which promote and emphasize the best interests of the child. Federal funding has been provided since 1997 to assist the province with the development of initiatives and continuation of family justice programs to improve the delivery of family law services and reduce the negative impact of separation and divorce on families and children.

Main Activities

The Family Law Section is comprised of the Parent Education Program, the Family Court Counsellors' Office (including mediation services), the Child Support Guidelines Office, the Maintenance Enforcement Program and the Administrative Recalculation Office.

The **Parent Education Program** provides free information sessions to parents who are separated and/or divorced and parenting from two homes. There is also a children's program to assist children through separation and divorce.

Positive Parenting from Two Homes is an educational program that is delivered in two three-hour sessions approximately one week apart. Trained facilitators provide information, present videos, facilitate discussion and answer questions to assist separated parents in understanding their feelings, their children's needs and to develop a business-like relationship with the other parent.

In FY 2007-2008, the *Positive Parenting from Two Homes Program* was offered at six locations: Charlottetown, Summerside, Montague, Souris, the Summerside Tax Centre and the Provincial Correctional Centre. The program was presented 15 times. The program was delivered 10 times at Charlottetown, twice at Summerside, twice at Montague and once at Souris. A total of 155 participants completed the Parent Education Program: 101 at Charlottetown, 29 at Summerside, five at the Summerside Tax Centre, 11 at Montague, four at Souris and five at the Provincial Correctional Facility.

The *Positive Parenting from Two Homes "For Kids!"* Program evolved from the *Positive Parenting from Two Homes* Program. During the evaluation of the *Positive Parenting from Two Homes* Program, parents indicated that one way that the program could be improved was to offer a similar program for children.

The *Positive Parenting from Two Homes "For Kids!"* Program was launched in Prince Edward Island in May 2002 and has continued since that time.

The program is divided into three age groups: 6 to 8, 9 to 12 and 13 to 16. There are a maximum of 10 participants per group. One or both parents must have already taken the Positive Parenting from Two Homes Program and siblings attend different sessions.

Between April 1, 2007, and March 31, 2008, 22 children, 12 boys and 10 girls, attended four programs. The programs were presented through the elementary schools: Prince Street School in Charlottetown and Gulf Shore in Rustico.

The **Family Court Counsellors' Office** prepares homestudies for custody and access cases proceeding through the courts and mediates custody and child support issues between parties as an alternative to proceeding to court.

Between April 1, 2007, and March 31, 2008, the court ordered that 41 new homestudies be conducted. During that same time period, 46 homestudies were completed and 27 homestudies were in progress, some being commenced in FY 2006-2007.

The mediation service is a free province-wide service that is co-ordinated through the Family Court Counsellors' Office. The mediator mediates custody, access and child support issues. Each couple is eligible for up to eight hours of joint mediation service. Participation in the mediation service is voluntary.

Between April 1, 2007, and March 31, 2008, 159 files were opened from clients contacting the office to request mediation services. Screening is conducted by the Family Court Counsellors' Office supervisor and/or the mediator to determine whether the case is appropriate for mediation. Cases involving domestic violence and/or a power imbalance may be screened out. Cases deemed appropriate for mediation are assigned to a mediator. Sixty-five couples were screened in for mediation and 94 couples were screened out. Thirty-four mediated agreements were reached in FY 2007-2008. On March 31, 2008, 10 couples were in the mediation process; 13 cases being terminated without reaching agreement and eight files were in the screening process.

In November 2007, the mediator position was increased from a part-time position to a full-time position.

The **Child Support Guidelines Office** provides assistance to unrepresented parties proceeding through the courts on a first request for child support or a variation of child support. The office also co-ordinates form-based applications going out of province when parties live in two provinces and are not in divorce proceedings (ISO applications).

Statistics from April 1, 2007 – March 31, 2008				
Charlottetown Office			**Summerside Office**	
First Request for Child Support	52		First Request of Child Support	36
Variation of Child Support	80		Variation of Child Support	75
ISO (parties in two provinces)	16		ISO (parties in two provinces)	9
Total	**148**		**Total**	**120**

The **Maintenance Enforcement Program** collects and disburses child/spousal support payments and takes steps to enforce orders and agreements if payments are in arrears.

In FY 2007-2008, the Maintenance Enforcement Program collected and disbursed $5.7 million dollars.

In FY 2007-2008, the Maintenance Enforcement Program managed 73 cases involving spousal support only, 122 cases involving child and spousal support and 2,522 cases involving child support only.

The **Administrative Recalculation Office** recalculates child support in cases where the original order/agreement provides for the automatic administrative recalculation of child support on an annual basis and where the discretion of the court is not required. This allows the parties to update child support in accordance with the parties' income without proceeding back through the courts. The office services all of Prince Edward Island.

Between April 1, 2007, and March 31, 2008, 101 new orders and agreements were filed with the Administrative Recalculation Office. During FY 2007-2008, 168 Recalculation Notices were issued.

The manager of the Family Law Section is Prince Edward Island's representative on the Co-ordinating Committee of Senior Officials in Family Law (CCSO Family Justice). The manager was also a member of the following federal/provincial/territorial working groups: Working Group on Child Support, Working Group on Tax Issues and s.25.1. The manager is also the Central Authority for Prince Edward Island under the Hague Convention on the Civil Aspects of International Child Abduction.

Judicial Services Section

Mission Statement

The mission of Judicial Services is to provide for the effective and efficient operation and maintenance of administrative services to all levels of courts in Prince Edward Island.

Main Activities

Judicial Services is responsible for administrative activities in both Civil and Criminal Courts in all three levels of Courts–Provincial Court, Supreme Court Trial Division and Supreme Court Appeal Division. Staff work with an objective to make the most effective and appropriate use of personnel and other resources to provide and manage comprehensive court services programs across the province. Such activities include:

- General administration;
- Judicial administration;
- Court records;
- Docketing at the Supreme Court level;
- Stenographic, secretarial and court clerk services;
- Financial records; and
- Enforcement.

Branches of Judicial Services

- Supreme Court and Provincial Court administration;
- Sheriff Services; and
- Prothonotary's office administration.

Goals

The number of litigants appearing before the courts in Prince Edward Island has grown over the past few years. In addition, the number of litigants who choose to represent themselves in court has increased. The Judicial Services Section will continue to provide quality service to all those coming before the courts, as well as continue with its efforts to provide better access to justice for all individuals.

Statistics

Provincial Courts – for a 12-month period ending March 31, 2008 the total number of charges laid in the three Provincial Courts totaled approximately 16,575. This figure includes Criminal Code, Federal Statute and Provincial Statutes offences.

Supreme Court – for a 12-month period ending March 31, 2008 the total number of actions started in the Supreme Court including General, Family, Divorce, Small Claims and Appeals were approximately 1,628. Total grants issued from the Estates section were 287 and there were 16 reseals, five petitions for passing of accounts and eight File and Register only Estates.

Sheriff Services

Sheriff: Ron Dowling

Sheriff Services provides services to citizens, the business community, the courts and other government departments. These services include court security, fine collection, process serving, execution of court orders and bailiff services.

In the civil enforcement area, over 457 documents were processed and 284 new Writs of Execution were registered in the Sheriffs Registry. In terms of fine collection, 2,026 drivers licence Suspension Orders were requested in support of fine collection efforts.

Legal Aid

Manager: W. Kent Brown, Q.C.

Introduction

Criminal and family legal aid services are provided under the Prince Edward Island Legal Aid Program. The program is administered under the general powers of the Office of the Attorney General. The scope of services covered by the program and financial eligibility for assistance are determined by government policy. Prince Edward Island does not have specific legal aid legislation.

The criminal legal aid services provided by the program are cost-shared by Canada under a federal-provincial agreement implemented in 1973 and renewed from time to time since then. The federal contribution agreement applies in all provinces and territories. It is intended to promote uniform access to a minimum level of service throughout Canada and as a result, coverage in each province and territory is determined to some extent by the details of the agreement.

The province receives no direct federal funding for family and civil legal aid.

Criminal Legal Aid

The objective of the Criminal Legal Aid Program is to promote access to legal representation in the criminal trial process. Under the program, lawyers are made available to persons who would otherwise be unable to afford legal representation in serious criminal matters. As a minimum, legal aid will be provided in situations where a court applying the *Canadian Charter of Rights and Freedoms* would consider the assistance of counsel to be essential for a fair trial.

Eligibility

Eligibility for legal assistance is determined by a flexible means test. The test is conducted by intake workers and reviewed by staff lawyers who assess the seriousness of the legal proceedings and determine whether the applicant's present means should be sufficient to actually obtain private counsel within the required time frame.

Approved Applications

The criminal and Youth Criminal Justice (YCJ) caseload is counted by the number of applications approved and by the number of cases completed. Readers using this data for inter-jurisdictional

comparisons on costs and caseloads are asked to note that terms such as "case" and "application" may vary from one province or territory to another. A case may involve more than one legal problem. For instance, an applicant may have several criminal charges arising from a single incident. Likewise, charges from separate incidents may be dealt with by the court at one time. Both of these examples may be referred to as a "case" for statistical purposes. Cases which have not been completed are carried over from one year to the next and counted only in the year in which the file is closed. Approved applications, on the other hand, are counted in the year in which the file was opened.

Applications and Caseload: Adult Criminal and Youth Criminal Justice	
New Criminal and *YCJ* Adult and Youth Applications Approved in 2007-08	1,172
Cases Completed and Files Closed in 2007-08 (including 2006-07 carry-overs)	1,293
Cases Referred to Private Counsel on a Legal Aid Basis	59
Note: The number of criminal cases referred to private counsel does not include cases handled by private sector lawyers hired on a per diem basis to resolve scheduling conflicts or to fill in for staff lawyers on sick leave or vacation	

Criminal and *YCJ* Caseload by Region:

Cases completed 2007-2008	**Adult**	**YCJ**	**Total**
Charlottetown	514	118	632
Summerside	552	109	661
			1293

Family and Civil Legal Aid

Coverage:
Coverage in family law and related areas of civil law was added to the Prince Edward Island Legal Aid Program in 1980. The term "civil legal aid" is used collectively to refer to all areas of service that do not directly involve criminal law. Civil legal aid is now available everywhere in Canada but the type and amount of assistance that may be provided, varies from one province or territory to another. The provinces and territories are responsible for the operation of their own civil legal aid plans. They determine the types of legal problems that will be covered, the eligibility criteria for applicants and the systems by which services will be delivered. Family matters account for the majority of civil cases in all jurisdictions.

Additional civil legal aid coverage areas include child protection law and involuntary hospitalization or residential orders under mental health and adult protection laws. The provision of legal aid in these areas of law is often required under the Charter of Rights because the litigation involves action by government that may affect individual rights of liberty or security of the person.

Priority for Assistance:
The objective of family legal aid is to provide legal assistance to those who cannot afford the services of a lawyer in the most urgent family situations. Legal needs are prioritized on two levels. Level One, the highest priority, refers to cases where domestic violence has occurred or where the personal security of applicants or children in their care is endangered in a family situation. Level Two describes the need for essential legal services in family situations where there has been no domestic violence or present threat to the security of the applicant or a child in his or her care. Divorce coverage is provided only where it is determined to be the most effective court procedure for addressing one or more of the foregoing objectives.

In Level Two situations, applicants who require legal assistance to meet the needs of dependant children are given priority. Legal needs in this category include: custody, access, financial support and housing. Due to the high demand for those services, only very limited resources remain available to assist applicants with legal needs that do not relate directly to the support of dependant children.

Summary Advice:
Where an applicant's legal needs do not qualify for full service under Level Two, summary advice may be provided. Summary advice generally involves a brief telephone or office consultation with a staff lawyer, with the opportunity for further assistance if the applicant's legal needs change or increase.

Consolidation at Legal Aid Services:
Family legal aid services in Prince Edward Island were consolidated and enhanced in 2004. A team of four lawyers, who had previously been attached to the Department of Health and Social Services Family Support Orders Program, was transferred to Legal Aid to provide family and other civil legal aid services on a full-time basis. Three of the lawyers were assigned to Charlottetown and one to Summerside. The consolidation and restructuring in 2004 brought all legal aid services under a single program. The objectives of the program, including coverage and eligibility criteria, were more clearly defined and the application process was simplified.

The Law Foundation of Prince Edward Island

The restructuring in 2004 also included changes to the way in which the Prince Edward Island Law Foundation contributed financial assistance for family legal aid. From 1996 to 2004, the Law Foundation had been providing direct financial assistance on a case-by-case basis for family matters which were not covered by the province's legal aid program at that time. After the province expanded family legal aid coverage in 2004, the Law Foundation's direct funding program was phased out. Subsequently, the Foundation made a lump sum grant to the province to be used for legal aid purposes. In 2007-08, the Law Foundation and the province continued to work towards a more visible role for the Law Foundation in promoting and sustaining the delivery of family legal aid services. The goal of the Law Foundation is to channel as much as 25 per cent of its annual interest revenue to the promotion of legal aid. Towards that end, a proposal was developed in which the Foundation will partner with the province to fund an additional family legal aid staff lawyer position for the Summerside legal aid office. The new position will be staffed in 2008-2009.

The Charter of Rights and Family Law

The *Charter of Rights* does not contain any specific reference to family legal aid. However, the interpretation of the *Charter* by the courts does play a significant role in determining the minimum levels of legal aid coverage that must be provided by governments. *Charter* rights relating to security of the person, and the right to a fair trial, may require the provision of funding for legal counsel in cases where the government institutes legal action against an individual or family. The Supreme Court of Canada ruled in a New Brunswick child protection case in 1999, that a parent who is unable to afford counsel is entitled to have counsel provided in some situations. The extent of free legal assistance that must be provided to meet *Charter* standards depends on the seriousness of each case and the potential consequences for an individual or family who are not represented.

Family litigation by one parent or spouse against another is regarded as private litigation which ordinarily does not engage *Charter* rights to counsel. *Charter* requirements for the provision of counsel apply primarily in cases where government actions impact individual rights and freedoms.

Legal Aid in Other Provinces and Territories

All provinces and territories of Canada participate in an informal reciprocal legal aid agreement. Under this agreement, residents of Prince Edward Island may obtain a limited range of legal aid services anywhere in Canada. A condition of inter-provincial coverage for family and civil legal aid is that similar services must be available to non-residents in this province.

The same residency restrictions do not apply to criminal legal aid. Under the federal funding arrangements, services must be provided by provinces and territories to residents and non-residents alike.

Legal Assistance Provided by Other Family Justice Programs

In addition to the family legal aid outlined in this report, the province provides services to individuals through a number of other family justice programs. Family court counsellors provide family mediation services and family counselling. Child support guidelines officers assist self-represented litigants in the preparation of child support applications. Victim assistance workers assist victims of family violence and maintenance enforcement officers collect and disburse child support payments.

Family and Civil Legal Aid Applications

There are basic differences in data reporting processes for criminal and civil legal aid caseloads. On the criminal legal aid side of the program, the caseload count is based on the number of cases completed and closed during the report period. The family-civil caseload count records the number of applications received and also the number of applications which were approved. There are both historical and functional reasons for the differences. On the criminal legal aid side, the number of refused and withdrawn applications appears to be relatively low. In contrast, the number of refused and withdrawn applications in the family program accounts for approximately 50 per cent of applications received. The refusal rate in 2008-2009 for family applications received was approximately 18 per cent. Reasons for refusal may include coverage, financial eligibility, case merit, or refusal of the applicant to comply with legal aid procedures. Thirty-one per cent of received applications were counted as withdrawn. An application may be deemed to have been withdrawn where the written application process was commenced but not completed by the applicant. The most common reason for non-completion is a failure by the applicant to provide financial information within a 30-day period.

Applications and Caseload

Family and Civil Legal Aid	
1. Family and Civil Applications Received	
Charlottetown	338
Summerside	126
Total	**464**
2. Withdrawn Applications	144
3. Refused Applications	84
4. Applications Approved for Full Service by Priority Level	
Child Protection Act	31
Family Level 1	33
Family Level 2 and Other Civil	125
5. Applications Approved for Summary Assistance	47
6. Family and Civil Cases Referred to Private Sector Counsel	53
7. Interprovincial Applications	
Received from other Provinces/ Territories	6
Sent to other Provinces/ Territories	3
8. Family and Civil Legal Aid Applicants	
Male	23%
Female	77%

Program Expenditures		
Criminal Legal Aid		
Fees to Private Counsel	$136,000	
Salaries and Operating Costs	$565,000	
Total Criminal Legal Aid Expenditure		**$701,000**
Family and Civil Legal Aid		
Fees to Private Counsel	$111,000	
Salaries and Operating Costs	$652,000	
Total Civil and Family Legal Aid Expenditures		**$763,000**
Total Legal Aid Expenditures		**$1,464,000**

Legal Services Section

Manager: Terri A. MacPherson, Q.C.

Mission Statement

The mission of the Legal Services Section is to fulfill the constitutional mandate of the Attorney General, as chief law officer of the Crown, by providing quality legal services to the Government of Prince Edward Island.

Main Activities

The Legal Services Section is responsible for all civil law matters. Solicitors employed in the section provide comprehensive legal advice and legal services to government, including alternate dispute resolution services and act for government in civil suits and tribunal proceedings. The following represents the types of legal service provided to government:

- Represent the Director of Child Welfare before the courts with respect to the protection of children;
- Represent the Director of Maintenance Enforcement before the courts in the enforcement of court ordered financial support;
- Appear before the Island Regulatory and Appeals Tribunal on ministerial appeals;
- Represent the Government Self-Insurance and Risk Management Fund;
- Represent the government in civil appeals before the Supreme Court of Prince Edward Island;
- Represent the government in civil appeals before the Supreme Court of Canada;
- Provide legal opinions on a wide range of matters to all government departments and to some commissions, agencies and Crown corporations;
- Participate on a number of federal/provincial/territorial committees such as Forum on Management Issues, Aboriginal Law, Charter Conference; and
- Provide advice on contracts and tender documents.

Goals

The trend over the past few years has shown that the need for legal services has continually grown with an increase in its caseload and the complexity of some legal issues. The Legal Services Section will continue to maintain its current client base and existing service levels but will monitor the situation to ensure that all clients continue to receive quality service.

Legislative Counsel Office

Director: Shawn B. Flynn

Mandate

The Legislative Counsel Office is responsible for the following services and functions:

- Reviewing proposals for bills;
- Drafting bills and regulations for government;
- Providing legal advice to government respecting legislation;
- Drafting government motions respecting government bills;
- Providing legal advice to the Legislative Review Committee;
- Providing a variety of services to the Legislative Assembly, including
  - staffing the position of the Law Clerk,
  - drafting and formatting legislation for Private Members,
  - indexing the Private Acts of the Assembly, and
  - sending bills to the government Website for the assembly;
- Maintaining the printed and electronic records of the legislation of Prince Edward Island, including:
  - preparing consolidated statutes after each Session of the Legislative Assembly for the government website;
  - updating the electronic data base of the statutes and regulations of PEI;
  - updating the electronic histories of the amendments made to the Legislation of PEI;
  - maintaining the Legislative Counsel Website; and
  - preparing the Annual Volume of the Statutes of PEI.

Mission Statement:

The mission of the Legislative Counsel Office is to draft and co-ordinate the publication of all government bills and regulations for the Government of Prince Edward Island.

Main Activities:

(1) During the Fall 2007 and Spring 2008 Sessions, 54 government bills prepared by the Office were enacted (approximately 382 pages in total).

(2) In addition, 55 regulations (approximately 306 pages) were completed by the Office from April 1, 2007 to March 31, 2008.

(3) The consolidated versions of the regulations and the acts of Prince Edward Island were updated frequently and made available to the public on the government website.

Policy and Administration

Director: Kevin Barnes

Overview

The Policy and Administration Division is responsible for providing corporate management services within the department. Services include communications, financial administration and human resource management. These corporate services are also provided to the Department of Communities, Cultural Affairs and Labour.

The mandate of the division is to support the effective management of the department through the delivery of key corporate services. In this capacity, the division works closely with the minister's office and other divisions within the department. At the same time, the Policy and Administration Division serves as a point of contact for other provincial ministries, federal government agencies, community organizations and the general public.

The following table outlines the primary management functions performed by the Policy and Administration Division:

Responsibility Area	Management Functions
Communications	Public Information, Media Relations, Communication Policy and Protocol; Decision Support and Internal Information Systems.
Financial Administration	Fiscal Management and Budgetary Control; Financial Reporting and Analysis, Financial Administration and Accounting Services.
Human Resource Management	Human Resource Planning and Analysis; Departmental Staffing; Payroll and Employee Benefits Administration; and Labour Relations.
Planning and Policy Development	Legislative Co-ordination, French Language Services, Freedom of Information and Protection of Privacy Requests and Special Projects

In addition, the division is responsible for federal-provincial policing agreements, including the *Provincial Police Services Agreement*, the *First Nations Community Policing Services Agreement* and the *Confederation Bridge Policing Services Agreement*.

Highlights

During the year, the Policy and Administration Division continued to focus on providing quality corporate services to its departmental clients. Likewise, efforts were directed at improved information-sharing with other departments, levels of government and the general public.

Schedule 1

Attorney General
Organizational Chart 2007-2008